

HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.24319 of 2006

Dated:22.11.2006

Between:

Nimmathi Malla Reddy.

...Petitioner

and

Regional Deputy Director.

...Respondents

HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.24319 of 2006

ORDER:

The petitioner claims to be the owner and possessor of land admeasuring Acs.42.21 guntas in Survey No.334 situated at Jangaon Village and Mandal in Warangal District, which he allegedly inherited from his ancestors. Respondents 4 and 5 purchased land admeasuring Acs.12.20 guntas in Survey Nos.400 and 401. At that time the petitioner raised objection regarding the extent of the land alleging that the vendor of respondents 4 and 5 agreed for the fixation of the boundaries. Be that as it is, the petitioner made an application to the third respondent for conducting survey and for fixation of boundaries. The third respondent allegedly conducted survey without considering the boundary points properly and prepared a panchanama on 02.11.2003. Aggrieved by the same, the petitioner preferred an appeal to the second respondent who issued notices to the petitioner as well as respondents 4 and 5. Thereafter, survey was conducted and panchanama was recorded on 07.02.2005. Against the same, respondents 4 and 5 approached the first respondent who issued notices on 04.10.2005 proposing to conduct survey on 18.10.2005. The petitioner then raised an objection to the effect that the first respondent has no jurisdiction to review the orders of the second respondent under Section 14 of the Andhra Pradesh Survey

and Boundaries Act, 1923. The petitioner states that after receiving the objections, the first respondent did not proceed further, but instructed the second respondent to conduct resurvey, as a result of which, a notice was issued on 08.01.2006 proposing to conduct survey on 04.02.2006. The same was not done. Therefore another notice was issued on 06.06.2006 proposing to conduct survey on 15.06.2006. The notice was issued to the petitioner, respondents 4 and 5 and six others requesting them to be present on the spot. Assailing the same, the present Writ Petition is filed.

As per the notice dated 06.06.2006 the second respondent proposed to conduct resurvey on 15.06.2006 at 10:00 A.M. The affidavit is silent as to what happened thereafter. Be that as it is, the petitioner contends that he made objections before the first respondent questioning his review power, and without disposing of the same, conducting resurvey is not proper. The learned Assistant Government Pleader for Revenue (General-T) does not dispute that the application made by the petitioner before the first respondent is pending. He also relies on Rule 4 of the Andhra Pradesh Survey and Boundaries Rules, 1923, in support of the contention that whenever there is an error pointed out resurvey is possible. As per the material placed before this Court survey was to be conducted on 15.06.2006. Assuming that resurvey was not conducted, there cannot be any objection for the first respondent to conduct enquiry. The first respondent should consider and enquire into the objections filed by the petitioner after receiving the notice dated 04.10.2005 issued by the first respondent. After considering the same, the first respondent shall pass appropriate orders within a period of ten days from the date of receipt of a copy of this order.

The Writ Petition, with the above observations and directions, is accordingly disposed of. No costs.

(V.V.S.RAO, J)

22.11.2006

vs